

# CITY OF DURHAM, NORTH CAROLINA

## VOLUNTARY (PETITION) ANNEXATION PROGRAM

### PROCESS

The following outlines the voluntary (petition) annexation process for completed, valid annexation petitions:

- Water-Sewer Extension Agreement Application filed with Public Works-Engineering
  - Public Works-Engineering Division, 560-4326
- Annexation petition and supporting materials filed with Budget & Management Services
  - [Robin Bibby](#), Budget & Management Services, 560-4111 x280
- City Council action on Water-Sewer Extension Agreement
- With approved Extension Agreement from City Council and approved metes and bounds / legal descriptions from Public Works-Engineering, Budget & Management Services sets Public Hearing dates for Voluntary Annexation areas
- City Council action on Voluntary Annexation Petition
- Initial zoning of newly annexed area
- If there is a rezoning of the property proposed, the rezoning is considered separately by City Council, as brought forward by City-County Planning
  - [Nazeeh Abdul-Hakeem](#), City-County Planning, 560-4137 x255

**The City has five months to process an annexation petition once it is deemed complete and valid.**

### SCOPE

Annexation petitions meeting the standards of NC General Statute 160A-31 (contiguous) and 160A-58 (non-contiguous), may be submitted once per year for one of the following deadlines in a year. The effective dates listed below reflect a best-case schedule.

#### Receipt Deadline – 1<sup>st</sup> Monday

January  
April  
July  
October

#### Potential Effective Date

June 30  
December 31  
December 31  
June 30

Petitions will be received on a walk-in basis from 8 a.m. to 12 noon on these dates. Petitions submitted at any other time require an appointment. **An appointment for delivery is preferred** to allow for staff to conduct an immediate first review with the submitter, address common questions, review process and timeline and confirm completeness or identify deficiencies of the petition.

**An annexation petition will not be accepted unless a Water-Sewer Extension Agreement has also been filed (or the need for such waived).** A hearing on an annexation petition shall be scheduled only when the petition elements are accepted as complete and verified accurate. (The required petition elements are listed on the instructions sheet for Voluntary Annexation Petitions). **Non filing** of a Water-Sewer Extension Agreement **will result in the return** of a Voluntary Annexation Petition.

Resolution of all boundary issues, specifically with other agencies, are the responsibility of the petitioner. Petitions inactive over 6 months will be considered withdrawn.

### INSTRUCTIONS

A petition for annexation should include the following information:

- 1) **A copy of the Water-Sewer Extension Agreement filed** with the Department of Public Works' Engineering Division. This can be filed on the same day as the annexation petition.

# CITY OF DURHAM, NORTH CAROLINA

## VOLUNTARY ANNEXATION PETITION PROGRAM

- 2) **A correctly signed petition form, meaning signed by ALL** persons having any interest in the property, the same as on the property deed, including the spouse when the property is co-owned. If the owner of the property is a corporation, the petition should include the corporate seal and the signatures of either the President (or Vice President) and the Corporate Secretary (or Assistant Corporate Secretary). **A NOTARY PUBLIC MUST PROPERLY CERTIFY EACH SIGNATURE.** Only one revision will be accepted from the petitioner. Subsequent revisions will require the submission of a new petition. Changes in property ownership after initial petition submittal will require further documentation verifying the new property owners and a request to continue or stop the annexation process.
- 3) **A Certificate of Title** for the property being annexed. Please submit only the “Title and Ownership Information for Petitioned Annexations” certificate at the time of petition. The “Update of Certificate of Title of Information for Petitioned Annexations” will be requested before City Council’s approval and must be dated no earlier than one week prior to the Public Hearing.
- 4) Provide two 24” X 18” paper copies of the property survey, titled **“Annexation Map”**. For guidelines in preparing this document, select the “Voluntary Annexation Forms” link at <http://www.ci.durham.nc.us/departments/bms/>.
  - a. This map must be 24” X 18”, the recordable size, and prepared and sealed by a registered land surveyor.
  - b. Annexation maps must reserve a space 4” wide by 6” long for city stamps. This space may be placed anywhere on the map, so long as it does not interfere with the placement of other information required by the City.
  - c. Please label public rights-of-way, differentiate new city limits from existing city limits and **include road frontages** associated with the annexation boundary.
  - d. Annexation boundaries should follow property lines as recorded on a plat at the Durham County Register of Deeds.
  - e. **Three mylar maps** will be needed immediately **after** the paper maps have been reviewed and approved. These mylar maps must be provided **before** the public hearing. [Please note one mylar map will be returned to you after it is recorded.]
- 5) Include two **Spatial Explorer Maps**, <http://gisweb2.ci.durham.nc.us/sdx/>, with proposed property for annexation **outlined in red**. For petitions with multiple parcels, a digital and a hard copy listing of all parcels is required. A Spatial Data map must be provided for each individual parcel.
- 6) Include one copy of the **site plan**.
- 7) Provide two copies of the proposed area’s **legal metes and bounds descriptions** as it follows and references the property survey. For guidelines in preparing this document, select the “Voluntary Annexation Forms” link at <http://www.ci.durham.nc.us/departments/bms/>.
- 8) Attach **a letter requesting annexation that describes the existing and proposed development of the property petitioned to be annexed**. Include the following information to be used to prepare a cost-benefit analysis for the provision of City services to the petitioned area:
  - a. Description of existing and proposed development, including type of development – single-family or multi-family residential, commercial, industrial, office, etc...
  - b. If residential (single or multifamily), the number and size of lots, the anticipated sale price of the homes, or rental rates in the development.
  - f. If commercial or office, the square footage of the development and the estimated appraised value at completion.
  - g. Existing zoning and indicate whether rezoning has been requested
  - c. The linear footage of **public** streets.
  - d. Estimated completion date of the project (month/year).
  - e. General location of the property.
  - f. Total acreage of the proposed area.
  - g. Property Identification Number (PIN) and Parcel ID number(s).

# **CITY OF DURHAM, NORTH CAROLINA**

## **VOLUNTARY ANNEXATION PETITION PROGRAM**

h. **Direct email** contact and **phone** number. A primary and secondary contact must be identified in this letter.

Questions regarding the Voluntary Annexation Petition process, scope or instructions should be directed to [Robin Bibby](#), **Budget and Management Analyst at (919) 560-4111 ext. 280**. Remit completed and signed annexation forms to:

Budget and Management Services Department  
4<sup>th</sup> Floor City Hall  
101 City Hall Plaza  
Durham, NC 27701  
[robin.bibby@durhamnc.gov](mailto:robin.bibby@durhamnc.gov)

**PETITION FOR VOLUNTARY ANNEXATION TO THE CITY OF DURHAM  
OF A CONTIGUOUS AREA BY 100% OF OWNERS OF SAID PROPERTY**

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To the Mayor and Members of the City Council of the City of Durham, N.C.:

The undersigned respectfully petition the City Council of the City of Durham to annex the hereinafter described property to the City of Durham, such annexation to be pursuant to the provisions of G.S. 160A-31 and in support of this petition do hereby respectfully represent:

1. The undersigned whose names are signed to this petition own 100% of all real estate lying outside the corporate limits of the City of Durham but contiguous to the City of Durham, hereinafter described, which we would like to have annexed to the City of Durham.
2. The land and property hereby petitioned to be annexed to the City of Durham, and of which we the undersigned are owners of 100%, is described as follows, to-wit:

(ATTACH A METES AND BOUNDS DESCRIPTION FOR THE AREA TO BE ANNEXED)

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Type or Print Name of Property Owner(s)	Address and Phone Number:	Property PIN#
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please sign and complete the requested information on the Signature page of this petition

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**(For Budget and Management Services Use)**

Date Received: \_\_\_\_\_

Received by: \_\_\_\_\_

## ANNEXATION PETITION SIGNATURE PAGE

### EVERY INDIVIDUAL WITH OWNERSHIP INTEREST:

INDIVIDUAL OWNER #1:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### NOTARIZATION

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

INDIVIDUAL OWNER #2:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### NOTARIZATION

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

**ALL SIGNATURES MUST BE NOTARIZED!!!**

**ANNEXATION PETITION SIGNATURE PAGE – Continued -**

INDIVIDUAL OWNER #3:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOTARIZATION**

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_  
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

INDIVIDUAL OWNER #4:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOTARIZATION**

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_  
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

**ALL SIGNATURES MUST BE NOTARIZED!!!**

**ANNEXATION PETITION SIGNATURE PAGE – Continued -**

INDIVIDUAL OWNER #5:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOTARIZATION**

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_  
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

INDIVIDUAL OWNER #6:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOTARIZATION**

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_  
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

**ALL SIGNATURES MUST BE NOTARIZED!!!**

**ANNEXATION PETITION SIGNATURE PAGE – Continued -**

**CORPORATION:**

**Affix Seal:**

\_\_\_\_\_  
Name of Corporation (Type or Print)

By: \_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
(Type or Print Name)

Attested By: \_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
(Type or Print Name)

**NOTARIZATION**

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_  
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

**PARTNERSHIP:**

This is a: \_\_\_\_\_ general partnership

\_\_\_\_\_ limited partnership

\_\_\_\_\_  
Name of Partnership (Type or Print)

By: \_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
(Type or Print Name)

Attested By: \_\_\_\_\_  
Witness, Signature and Title

\_\_\_\_\_  
(Type or Print Name)

**NOTARIZATION**

**NORTH CAROLINA**

\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_  
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

**ALL SIGNATURES MUST BE NOTARIZED!!!**



**ANNEXATION PETITION SIGNATURE PAGE – Continued -**

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**ATTORNEY-IN-FACT OR OTHER AGENT:**

Note: A copy of the paper that appointed you to be Attorney-in-fact or Agent must be attached with this petition.

_____ Name of Property Owner (Type or Print)	The Owner is a(n) _____ Individual
_____ Attorney-in-fact (Signature)	_____ Corporation (if so, affix Seal)
_____ Attorney-in-fact (Type or Print)	_____ General Partnership
	_____ Limited Partnership

**NOTARIZATION**

**NORTH CAROLINA**  
\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

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**ALL SIGNATURES MUST BE NOTARIZED!!!**

**TITLE AND OWNERSHIP INFORMATION  
FOR VOLUNTARY PETITIONED ANNEXATIONS**

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**Instructions:**

The following information should be supplied at the time a voluntary annexation petition is submitted, unless a later date is approved by the Budget Department. The date through which **title is examined** should be **one week before the submittal** of the annexation petition, or later. **NOTE** that the certificate is limited to holders of fee simple interests. Among other things, holders of mortgages or deeds of trust, or trustees for the same; easements; taxes or assessments; or defects not disclosed by public records need not be listed. In addition to this certification please attach a copy of the signature section and acknowledgment page of a legal document executed by the petitioner in the recent past.

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**CERTIFICATE OF TITLE**

The undersigned attorney, who is licensed to practice law in the State of North Carolina, hereby certifies that the record owner(s) of all fee simple interests in the tract of land submitted for annexation to the City of Durham on a petition dated \_\_\_\_\_ and described on such petition as (name of development) \_\_\_\_\_, which tract is described by the metes and bounds description submitted as part of such petition, is \_\_\_\_\_, And that the deed(s) showing such title are recorded at Book \_\_\_\_\_, Page \_\_\_\_\_; Book \_\_\_\_\_, Page \_\_\_\_\_; Book \_\_\_\_\_, Page \_\_\_\_\_ Durham County Register of Deeds. In addition, the undersigned attorney certifies that the execution of the aforesaid petition is legally sufficient in form, manner, and substance to bind all owners of the property being annexed.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Attorney)

\_\_\_\_\_  
(Attorney Phone Number)

**NOTARIZATION**

**NORTH CAROLINA**  
\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

## **UPDATE OF TITLE INFORMATION FOR PETITIONED ANNEXATIONS**

(The original certification of title for the petition for annexation should be attached to this form when it is sent out.)

### **UPDATED CERTIFICATE OF TITLE**

The undersigned attorney, who is licensed to practice law in North Carolina, hereby certifies that as of \_\_\_\_\_ (date completed by the BMS Dept.; generally the Thurs. prior to the Mon. vote) the information as to fee simple ownership contained in the attached title certification for \_\_\_\_\_ (name of development), which certification was signed by \_\_\_\_\_ (name of attorney providing first certification) on \_\_\_\_\_ (date of previous certification) is still accurate, and that since such certification no fee simple interests in the property have been conveyed.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Attorney)

\_\_\_\_\_  
(Attorney Phone Number)

### **NOTARIZATION**

**NORTH CAROLINA**  
\_\_\_\_\_ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that \_\_\_\_\_ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.